

(Ireland.)

A

B I L L

For the Regulation of Stage Coaches and other Hired Carriages in Ireland.



[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

W **H** **E** **R** **E** **A** **S** the licensing of Stage Coaches and other Carriages plying for hire in Ireland, and the number of Passengers and the quantity of Luggage to be conveyed thereby, have been heretofore regulated and limited by various Acts passed in the Parliament of Ireland: And whereas an Act was passed in the fiftieth year of the reign of his late Majesty King GEORGE the Third, intituled, "An Act to repeal certain Parts of several Acts of Parliament in Ireland, so far as relates to the limiting of the Number of Persons to be carried by Stage Coaches and other Carriages; for enacting other Limitations in lieu thereof, and for other purposes relating thereto, for their further Regulation in these and other particulars:" And whereas the provisions of the aforesaid Acts have been found inoperative and inapplicable to the regulation of some descriptions of Stage Carriages, now generally plying for hire throughout that part of the United Kingdom, and it is expedient that the Laws relating thereto should be amended; **E** **C** **I** **S** **T** **H** **E** **R** **E** **F** **O** **R** **E** **N** **A** **C** **T** **E** **D**, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T** **H** **A** **T** from and after the *First day of July One thousand eight hundred and Forty*, the aforesaid Act of the fiftieth year of the reign of his late Majesty King GEORGE the Third, shall cease, determine and be repealed, except in so far as the same repeals certain parts of the aforesaid Acts of the Parliament of Ireland.

Preamble.

1.
50 Geo. 3.
repealed.

35.

A

And

2.
Interpretation
Clause as to
Stage Car-
riages.

And he it Enacted, That every Carriage, Post Chaise or Car used or employed for the purpose of conveying Passengers for hire to or from any place in Ireland, shall, without regard to the name, form or construction thereof, be deemed and taken to be a "Stage Carriage" within the meaning of this Act, provided the Passengers, or any one or more of them, thereby conveyed, shall be charged or shall pay separate and distinct fares, or separate and distinct fare, or shall be charged and pay at the rate of separate and distinct fares for their respective places or seats, or his place or seat, therein, or conveyance thereby; and in all proceedings at law or otherwise, and upon all occasions whatsoever, it shall be sufficient to describe any Post Chaise, Carriage or Car used or employed as aforesaid by the term "Stage Carriage," without further or otherwise describing the same: Provided always, That the said term "Stage Carriage" shall not be deemed to extend to or include any Carriage used or employed as aforesaid wholly upon any Railway, nor to any Carriage drawn or impelled by the power of Steam, or otherwise than by animal power.

3.
Stage Car-
riages not to
be used with-
out License,
see without
having
painted there-
on the parti-
culars herein
required; and
Carriages
with particu-
lars painted
thereon to be
deemed Stage
Carriages.

And he it Enacted, That from and after the said *First day of July* it shall not be lawful for any person to keep, use or employ for hire any Stage Carriage in Ireland, unless such person shall have a License in force so to do, granted to him under the authority of this Act, as hereinafter directed, nor unless the several particulars by this Act directed to be painted on every such Carriage shall be painted thereon; and that in any action, information or other proceeding under this Act, in respect of or with relation to any Stage Carriage, if evidence shall be given that the Carriage in respect of which or in any manner relating to which any such action, information or proceeding shall be commenced or prosecuted, was seen travelling or going upon any street, highway or other road, conveying or carrying, or seeking to convey or carry, any Passengers thereupon, having painted upon such Carriage any of the particulars required by this Act to be painted upon Stage Carriages, or any thing resembling, or intended to resemble, such particulars, such Carriage shall be deemed and taken to be a Stage Carriage, and such evidence as aforesaid shall be received as sufficient proof that such Carriage was kept, used and employed for the purpose of conveying Passengers for hire as a Stage Carriage, within the meaning of this Act, unless the contrary be proved; and that in all such actions, informations and proceedings as aforesaid, the person or persons named or described in the License granted to the proprietors of such Carriages, whether such License shall be in force or not, or the person whose name (if any) shall be painted on any such Carriage, shall, for the purposes of this Act (unless the contrary be proved), be deemed to be the person to whom such Carriage doth belong.

And

And be it Enacted, That the Commissioners of Stamp Duties for Ireland, or any person duly authorized by them, shall grant a License, under their hand or hands, a record of which, duly numbered, shall be kept by said Commissioners, or by the person or persons authorized by them to grant such Licenses, to any and every person of the age of *Twenty-one Years* or upwards who shall apply for such License in the manner hereinafter mentioned, to keep, use or employ any Stage Carriage in any part of Ireland, drawn by Two or more horses, and carrying the number of passengers and the weight of baggage hereinafter permitted and directed to such Carriages respectively: Provided always, That no person shall be entitled to the grant or renewal of any such License who at the time of applying for such grant or renewal shall not have paid or satisfied any penalty in which he shall have been convicted, or for which judgment shall have been obtained against him, in any action, information or proceeding under this Act; and it shall be lawful for the said Magistrates to refuse to grant or to renew any such License to any such person until such penalty or mitigated penalty shall have been fully paid and satisfied; any thing in this Act to the contrary notwithstanding.

4.
By whom
Stage Carriages drawn by
Two or more
Horses shall
be licensed.

And be it Enacted, That the Magistrates of each county at Quarter Sessions assembled shall grant a License, signed by their Chairman, and a record of which, regularly numbered, shall be kept by the Clerk of the Peace of the several counties, to any and every person of the age of *Twenty-one Years* or upwards who shall apply for such License in the manner hereinafter mentioned, to keep, use and employ any Stage Carriage in any part of Ireland, drawn by One horse, and carrying the number of passengers and the weight of baggage hereinafter directed: Provided always, That no person shall be entitled to the grant or renewal of any such License who at the time of applying for such grant or renewal shall not have paid or satisfied any penalty in which he shall have been convicted, or for which judgment shall have been obtained against him, in any action, information or proceeding under this Act; and it shall be lawful for the said Magistrates to refuse to grant or to renew any such License to any such person until such penalty or mitigated penalty shall have been fully paid and satisfied; any thing herein contained to the contrary notwithstanding.

5.
Stage Carriages drawn
by One Horse
to be licensed
by the Magistrates at
Quarter Sessions.

And be it Enacted, That before any License shall be granted or renewed under the provisions of this Act for or in respect of any Stage Carriage, a requisition for such License, in such form as the Commissioners of Stamp Duties and the Magistrates at Quarter Sessions shall from time to time provide for that purpose, shall be made and signed by the proprietor, or one of the proprietors, of such Stage Carriages in respect of which such License shall be applied

6.
Persons applying for
Stage Carriage Licenses
to sign a Requisition for
the same.

for, and lodged, if for a Carriage drawn by Two horses or more, with the Commissioners of Stamps in Ireland, and if for a Stage Carriage drawn by One horse, with the Clerk of the Peace, Seven clear Days at least before the commencement of the Sessions at which such License will require to be taken out or renewed; and in every such requisition there shall be truly specified and set forth the description of the Carriage or Carriages sought to be licensed, with the particulars of the number of inside and outside passengers to be carried respectively by each, and the christian name and surname and place of abode of the person or persons applying for such License, and of every person who shall be a proprietor or part proprietor of such Stage Carriage; and in case any person so applying for any such License shall neglect or omit to specify truly in such requisition as aforesaid the name of any person who shall be a proprietor or part proprietor of such Carriage, or shall insert therein any fictitious name or place of abode, or other false or fictitious description of any person or supposed persons as being the proprietor or part proprietor of any such Stage Carriage, or the name of any person as being a proprietor or part proprietor of such Stage Carriage who shall not at the time of such application for such License be in fact a proprietor or part proprietor thereof, such requisition shall be null and void, and no License shall be granted thereon, or, if granted before detecting the same, shall be cancelled, and notice thereof given to the party in whose name the same shall have been granted.

7.
Particulars to
be specified in
License.

And be it Enacted, That there shall be specified in every License to be granted or renewed under this Act for or in respect of any Stage Carriage, the following particulars; (that is to say) the christian name, surname and place of abode of the person and of every person who shall be a proprietor or part proprietor thereof, as specified in the requisition for such License, the number to be painted on each such Carriage, which shall in every case correspond with the number of the License as kept in the record of the Commissioners of Stamps or of the Clerk of the Peace, as the case may be, and the greatest number of passengers and weight of luggage to be conveyed by such Carriage, distinguishing (when the same is intended to convey both inside and outside passengers) the number to be carried on or about the outside from the number to be carried in the inside, and a copy of every such License, and shall be kept at the office or place from which such License shall be issued, in order that any person may have a copy thereof, on the payment of *One Shilling* to the person who shall have the custody thereof; and if any person shall forge or counterfeit, or shall cause to be forged or counterfeited, or shall fraudulently alter any License granted or renewed under this Act, the person so offending shall be guilty of a *Misdemeanor*, and, being convicted thereof at the prosecution of any informant, shall be liable

Forging or al-
tering of
License a
Misdemeanor.

liable to be punished by a fine of *Twenty Pounds*, or imprisonment, or both, as the court shall award, such imprisonment to be in the common Gaol or House of Correction, and either with or without hard labour, as to the court shall seem fit; and in all actions, informations or proceedings for the recovery of penalties under this Act, each and every of the proprietors severally, or the whole, or any Two or more of them jointly, may be sued for, charged with and prosecuted for the same.

And be it Enacted, That every License granted under this Act shall be dated on the day on which it was so granted, and shall have effect and continue in force from the day of the date thereof, unless sooner discontinued or cancelled pursuant to this Act, in the space of *Twelve* calendar Months, and no longer; and every such License shall be renewed from year to year, subject nevertheless to the provisions of this Act, by the grant of a new License, applied for by requisition, as hereinbefore directed.

8.
Licenses to be renewed annually.

And be it Enacted, That no Stage Carriage shall be used or employed in Ireland, unless or until there shall be truly painted in words at length, and in legible and conspicuous letters, *One Inch* at the least in height, and of a proper and proportionable breadth, and in a colour different from and strongly contrasted with the colour of the ground on which such letters shall be painted, so as to be at all times plainly and distinctly visible and legible, the number of the Carriage as stated in the License, together with the christian name and surname of the proprietor, or of one of the proprietors, of such Carriage; and upon covered and close carriages with four wheels such names and number shall be painted upon some conspicuous part of each side of such Carriage, and clear of the wheel or wheels thereof; and there shall also be painted, in manner aforesaid, upon some conspicuous place on the back of such close Carriages, so that the same shall be at all times plainly and distinctly visible and legible, the greatest number of passengers allowed to be carried in or by such Carriage; and also when such Carriage shall be licensed to carry both inside and outside passengers, the greatest number of passengers allowed to be taken in the inside and on the outside thereof respectively and upon Stage Carriages or Cars drawn by One horse, the number of the Carriage as stated in the License, together with the christian name and surname of the proprietor, or one of the proprietors, of such Carriage, and also the greatest number of passengers allowed to be carried by such Carriage, shall be painted in like manner as hereinbefore directed, and in letters of like dimensions, upon a panel at the back thereof.

9
Particulars to be painted on Stage Carriages.

10.
Penalty on
carrying more
Passengers
than licensed.

And be it Enacted, That if any Stage Carriage shall be used, having any inscription written, painted or marked thereon, importing or signifying, or intending to import or signify, that such Carriage is licensed or authorized to carry or convey thereby, either in the whole, or in the inside or on the outside thereof, any number of passengers other than the actual number which such Carriage is by the License thereof expressly authorized to carry, either in the whole, or in the inside or on or about the outside thereof respectively, the proprietor of such Carriage shall forfeit for every such offence the sum of *Ten Pounds*.

11.
Post Chaises,
&c. to be li-
censed under
this Act.

And be it Enacted, That every Postmaster or keeper of post-horses, who shall keep any Post Chaises or other Stage Carriages, to be furnished at the same time with any horse or horses by him let for hire by the mile, or by the day, or by the job (except hearses or mourning coaches), shall, before any such Stage Carriages shall be so used, furnished or employed for hire, cause the same to be duly licensed, according to the provisions of this Act, and shall also paint or cause to be painted on all such Stage Carriages, all such names, numbers and other particulars as are by this Act required, conformably to its provisions, and shall, at the suit or prosecution of any plaintiff be liable in every respect to the penalties hereby imposed for the several offences herein specified and declared.

12.
Penalty for
plying with-
out a License,
or for non-
compliance
with the
Forms re-
quired by this
Act.

And be it Enacted, That if any person shall keep, use or employ, or shall be concerned as proprietor or part proprietor in keeping, using or employing, or shall ply for passengers to be conveyed thereby, any Stage Carriage without having a License in force so to do, granted under this Act, or shall keep, use or employ for hire any Stage Carriage, such Carriage not having painted thereupon the names and particulars severally herein required by this Act, or whereon the same shall be in any manner so defaced or obliterated, inverted or reversed, or placed so as to be out of sight or illegible, or so that the same cannot be distinctly visible, the driver or person having the care thereof, or plying for passengers to be conveyed thereby, such driver or person, not being the owner of such Carriage, shall forfeit *Ten Pounds* for such offence; or being convicted at the suit or prosecution of any plaintiff of so offending in any of the several cases aforesaid, if he be the owner of such Carriage, he shall forfeit *Twenty Pounds* for such offence, on being convicted thereof: and in all actions, informations or other proceedings against such person for the recovery of such penalty in any of the cases aforesaid, it shall be sufficient to charge or allege that such person did keep, use and employ a Stage Carriage without having a License in force so to do, granted to him under this Act, and it shall not be necessary further or otherwise to state or describe any such offence,

nor

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nor to prove that such Carriage was used or employed for the conveyance of passengers at separate fares; and moreover it shall be lawful for any Constable or other Peace Officer, or any Officer of Stamp Duties, and they are hereby required, without any warrant for that purpose, to apprehend such driver or other persons having the care of such Carriage, or plying for passengers to be conveyed thereby, and to carry or convey him before any Justice of the Peace, having jurisdiction where the offence shall be committed, to be dealt with as hereinafter mentioned; and it shall also be lawful for such Constable or other Peace Officer, or Officer of Stamp Duties, to drive or take such Carriages, with the horse or horses harnessed thereto, or drawing the same, or to cause the same to be driven or taken to some Livery-stables, or other place of safety, and then to lodge the same for safe custody until the determination of such Justices shall be known; and the Justice before whom such driver or other person shall be brought, shall hear and determine such offence; and in case the person convicted of any such offence shall be the owner of any such Carriage, and if the said penalty of *Twenty Pounds*, together with all costs and expenses, and the expense of taking such Carriage and horse or horses to, and keeping the same at, such Livery-stables or other place, shall not be fully paid or discharged within *Five Days* after such conviction, such Carriage and horse or horses, together with the harness used therewith, shall be sold by order under the hand of such Justice, and the surplus (if any) of the produce of such sale, after deducting therefrom the said penalty, costs and expenses, and also the expenses of such sale, shall be rendered to such owner; but in case the person so convicted shall not be the owner of such Carriage, then, on default being made in payment of the said penalty of *Ten Pounds*, such Justice shall commit the offender to the common Gaol or House of Correction for the space of *Three calendar Months*, unless such last-mentioned penalty shall be sooner paid, and such Justice shall give an order for the delivery up of the Carriage and horse or horses and harness to the owner thereof, on his paying the expenses of taking and keeping the same; and in case of his refusal to pay such expenses forthwith, then such Carriage and horse or horses and harness, or sufficient part thereof to defray such expenses, shall be sold by order under the hand of such Justice, and after payment thereof of all such expenses as aforesaid, together with the expenses of such sale, the surplus (if any) of the produce of such sale, together with such part of the Carriage and horse or horses and harness as shall remain unsold, shall be rendered and restored to the owner; and any person who shall molest, hinder or obstruct any such Constable, Officer of Stamp Duties or Peace Officer, in seizing or endeavouring to seize and detain such Stage Carriages so illegally plying as aforesaid, shall forfeit *Twenty Pounds*, to be levied off his goods, on conviction thereof before any Justice of the Peace.

Offenders may be taken before a Justice of the Peace;

and Carriages driven to a Livery-yard, or other place of security.

Penalty for obstructing Officers seizing, *Twenty Pounds*.

13.
Number of
Passengers
and weight of
Luggage to be
conveyed by
Stage Carriage
having Four
Wheels, and
drawn by
Four or more
horses.

Carriages with
Four Wheels
and Three
Horses.

Carriages
with Four
Wheels and
Two Horses.

Two-wheeled
Carriages
drawn by
One Horse.

14.
Penalty for
carrying a
greater num-
ber of Pas-
sengers than
authorized by
License.

No Child
under Seven
Years old to
be accounted
a Passenger,
but Two will
be estimated
as One Adult.

And be it Enacted, That from and after the said *First day of July* any Stage Carriage with four or more wheels employed or used for the purpose of conveying passengers for hire in Ireland, and drawn by four or more horses, shall be allowed to carry *Fifteen* 5
Passengers, and no more, exclusive of the driver or coachman, and ex-
clusive also of the guard, if any be with such Carriage, together with
so much luggage as shall not in the entire exceed the average of *Fifty*
Pounds weight for each person so allowed to be conveyed; and that
each such Stage Carriage with four or more wheels, and drawn by three 10
horses, shall be allowed to carry or convey *Twelve* Passengers, and no
more, exclusive of the driver and also exclusive of the guard, if any,
together with so much luggage as shall not in the entire exceed the
average of *Fifty Pounds* weight for each person so allowed to be
conveyed; and that each such Stage Carriage with four or more 15
wheels, and drawn by two horses, shall be allowed to carry *Eight*
Passengers, exclusive of the driver, and also exclusive of the guard
thereof, where there is a guard to such Stage Carriage, together with
so much luggage as shall not in the entire exceed the average of
Fifty Pounds for each person so carried; and that every Stage Car- 20
riage or Car with two wheels, and drawn by one horse, shall be
allowed to carry *Four* Passengers, exclusive of the driver, and so
much luggage as shall not exceed the average weight of *Fifty Pounds*
for each person so carried.

And be it Enacted, That if the number of passengers at any one
time conveyed in, upon or about any licensed Stage Carriage, shall be 25
greater in the whole than the number of passengers which the License
granted in respect of such Carriage shall authorize or allow to be
carried thereby; or if the number of Passengers at any one time
conveyed in the inside of any such Carriage, or upon or about the 30
outside thereof, shall be greater respectively than the greatest num-
ber of outside or inside passengers respectively specified in or upon
such License, and allowed thereby, the person to whom such License
shall have been granted shall, on conviction at the suit or prosecution
of any plaintiff, forfeit *Five Pounds* for every passenger so conveyed
above the number allowed by such License to be conveyed in the 35
whole, or in the inside, or on or about the outside of such Carriage
respectively; and the driver of such Stage Carriage, at the time
when such offence shall be committed, shall also forfeit *Five Pounds*:
Provided always, That no child or children in the lap shall be counted
as a passenger or passengers under any of the clauses of this Act; 40
and no child not in the lap, but under seven years of age, shall be
so counted, unless there be more than one such child; and if there
shall be more than one such child not in the lap, but under seven
years of age, then two of such children shall be accounted equal to
one adult person, and considered as one passenger, and so on in the
same proportion.

And

And he it Enacted, That in cases in which outside passengers are by this Act allowed to be carried by any Stage Carriage, not more than One such passenger shall be allowed to sit or to be carried on the box with the driver; and if any more than One person besides the driver shall sit upon the box of such Carriage, the driver of such Carriage at the time when the offence shall be committed shall, on conviction, at the suit or prosecution of any plaintiff, forfeit *Five Pounds*.

15.
Not more than One Person to sit on the same Seat with the Driver.

Penalty 5*l*.

And he it Enacted, That no Stage Carriage intended to carry luggage on the roof or top thereof shall be used or employed till a division or space shall have been made on the top or roof thereof allotted for such luggage, distinctly separated from the other part of the top or roof of such Carriage by a railing or solid partition; and if any such Carriage shall be used or employed before or until such division or space as aforesaid shall have been made, or if any luggage whatever shall be carried on the top or roof of any Stage Carriage not having such division or space partitioned off, the proprietor or proprietors of such Carriage shall in either case forfeit *Five Pounds*.

16.
A separate division for Luggage on the Roof.

And he it Enacted, That no luggage shall be carried on the top or roof of any Stage Carriage drawn by Four or more horses shall in any case exceed *Ten Feet and Nine Inches* in height from the ground; nor shall any luggage which shall be carried on the top or roof of any Stage Carriage drawn by Two or Three horses only in any case exceed *Ten Feet and Three Inches* in height from the ground, measuring to the highest point of any part of such luggage when placed upon the top or roof of any such Carriages respectively; and if any such luggage shall in either of the cases aforesaid exceed the height by this Act in that behalf limited, the driver of such Carriage at the time when such offence shall be committed shall forfeit *Five Pounds*.

17.
Luggage not to exceed a certain height.

And he it Enacted, That it shall not be lawful for any person to sit or be carried upon any luggage placed on the roof of any Stage Carriage, nor upon that part of the roof allotted for luggage; and if any person shall sit or be carried upon any luggage, or upon that part of the roof allotted for the same, contrary to the provisions of this Act, he shall forfeit *Five Pounds*; and the driver of such Carriage at the time when such offence shall be committed shall also forfeit *Five Pounds*.

18.
No Person to sit on the Luggage.

And be it Enacted, That the proprietor of any Stage Carriage or Car, or the driver thereof, shall, when thereunto respectively required by any Justice of the Peace, or by any Constable or other Peace Officer, or any Officer of Stamp Duties, or by any passenger travelling

19.
Justices, &c. authorised to cause Luggage to be measured and Passengers counted.

Penalty on
the Proprietor
or Driver for
refusal, &c.

Penalty on
Toll-gate
Keeper for
refusal, &c.

ling by such Carriage, permit and allow such Carriage and the luggage thereon to be measured, and the number of passengers in, upon or about such Carriage to be counted; and it shall be lawful for any passenger to require the driver of any Stage Carriage to stop the same at any toll-gate, and to require the toll-gate keeper at such gate to count the number of passengers upon the box, and in, upon or about such Carriage, and to measure and ascertain the height of the luggage thereupon, and to sign a memorandum in writing of the number of such passengers in the inside, and on or about the outside of such Carriage, distinguishing the number on the box, and of the height of such luggage, and to deliver such memorandum to the person so requiring the number of passengers to be counted, or the height of the luggage to be measured; and the toll-gate keeper at every such gate shall provide and keep at such gate a proper measure for measuring the height of any such Stage Carriage, and of the luggage thereupon; and if any proprietor of any Stage Carriage, or the driver thereof, shall, when thereto respectively required as aforesaid, refuse to permit and allow such Carriage and the luggage thereupon to be measured, or the number of inside or outside passengers to be counted, or if such driver shall, on being so required as aforesaid, refuse or neglect to stop such Carriage at any toll-gate for the purpose aforesaid, such proprietor or such driver so refusing or neglecting as aforesaid, shall forfeit *Five Pounds*: and if any toll-gate keeper shall neglect to provide and keep at any such gate a proper measure for the purposes aforesaid, or shall, on being thereunto requested as aforesaid, refuse to count the number of such passengers, and to measure and ascertain the height of such luggage, or to sign a memorandum in writing of the number of such passengers, or of the height of such luggage, in manner hereinbefore directed, or to deliver such memorandum so signed to the person entitled to require the same, or shall sign or give any memorandum in which any of the particulars aforesaid shall not be truly set forth, every such toll-gate keeper so offending shall forfeit *Five Pounds*: Provided always, That it shall not be lawful for any one passenger to require the driver of any Stage Carriage to stop the same for any such purpose as aforesaid more than once during any one journey, unless after the counting of such passengers, or measuring of such luggage, any additional passenger or passengers shall be taken up, into or upon such Stage Carriage, or additional luggage shall be placed on the top or roof thereof during the same journey.

20.
Penalty on
Driver quit-
ting the Box
before a pro-
per Person
shall stand at
the Horse's
Heads;

And he it Enacted, That if the driver of any Stage Carriage shall, at any place where such Carriage shall stop, quit the box or driver's seat of such Carriage, or the horse or horses, during the same, without delivering the reins into the hands of some fit and proper person, or before some fit and proper person shall be placed and shall stand

at

at the head of the horse or horses, or some of them belonging there-
unto; and shall have the command thereof, or if any person so placed
and standing at the head of such horse or horses, shall leave such
horse or horses before some other fit and proper person shall be
5 placed and stand in like manner, and have the command of such
horses, or before the driver of such Stage Carriage shall have re-
turned and seated himself upon the box or driving-seat; or if the
driver of any Stage Carriage shall permit any passenger or any
person other than himself to drive the horses drawing such Carriage,
10 or if the driver of any Stage Carriage shall quit the box or driving-
seat of any such Carriage, without reasonable occasion, or for a
longer time than such occasion shall absolutely require; or if any
person travelling as guard to any Stage Carriage shall whilst the
horses are harnessed, or in the act of being harnessed, thereunto, and
15 whilst any passenger shall be in, upon or about such Carriage, dis-
charge any fire-arms, except for the necessary defence of such
Carriage, or of the passengers being in or about the same; or if the
driver or conductor or guard of any Stage Carriage shall neglect to
take due care of any luggage whatsoever carried or to be carried by
20 such Carriage; or if any such driver or conductor or guard shall
demand or receive for the fare of any passengers more than the sum
which such passenger shall be liable to pay, or more than the money
properly chargeable for the carriage of any luggage; or if any such
driver or conductor or guard shall, when thereto required, neglect or
25 refuse faithfully to account to his employer for all money received by
him in respect of any passenger or any luggage which shall be carried
by such Carriage; or if any such driver or conductor or guard shall
assault or use abusive or insulting language to any person travelling,
or about to travel, or having travelled as a passenger, with or by such
30 Carriage, or to any person accompanying or attending upon any such
passenger in coming to or going from any such Carriage, every such
offender in any of the several cases aforesaid shall forfeit *Five Pounds*.

or permitting
any Person to
drive or quit-
ting the Box;

and on the
Guard for un-
necessarily
discharging
Fire-arms;

or neglecting
to take care
of Luggage;

or asking
more than the
proper Fare;

or neglecting
to account to
his Employer;

or assaulting
or using
abusive Lan-
guage to any
Person, &c.

And be it Enacted, That if the driver or conductor or guard of
35 any Stage Carriage, or any other person having the care thereof, or
employed in, upon or about such Carriage, shall, through intoxication
or negligence, or by wanton or furious driving, or by racing with any
other Stage Carriage or other conveyance on the same road, or by
or through any other misconduct, endanger the safety of any passen-
40 ger or other person, or shall injure or endanger the property of the
owner or proprietor of such Stage Carriage, or of any other person,
every such person so offending shall forfeit *Five Pounds*.

21.
Penalty on
Driver or
Guard endan-
gering Pas-
sengers' Lives
or Property by
Racing or Fu-
rious Driving.

And be it Enacted, That whenever it shall happen that the driver
or conductor or guard of any Stage Carriage shall have committed
55 any

22.
Officers to be
liable for Pe-
nalties imposed
where Driver

or Guard is
not known, or
cannot be
found

any offence against this Act, for the committing whereof any penalty is by this Act imposed upon any such driver, conductor or guard, and not upon the proprietor of such Carriage, and such driver or conductor or guard shall not be known, or, being known, cannot be found, then the proprietor of such Carriage shall be liable to every such penalty as if he had been the driver, conductor or guard of such Carriage at the time when such offence was committed: Provided always, That if any such proprietor shall make out to the satisfaction of the Justice of the Peace before whom any complaint or information shall be heard, by sufficient evidence not resting on his own testimony, that the offence was committed by such driver or conductor or guard without the privity or knowledge of such proprietor, and that no profit, advantage or benefit, either directly or indirectly, has accrued or can accrue to such proprietor therefrom, and that he had used his endeavours to find out such driver, conductor or guard, and given all reasonable information in answer to inquiries respecting him, such Justice shall discharge the proprietor from such penalty, and shall levy the same upon such driver or conductor, or guard, when found.

23.
Representa-
tions of Per-
sons licensed
may use Car-
riages for
Thirty Days
without fur-
ther License.

And be it Enacted, That whenever any person to whom any License shall have been granted for or in respect of any Stage Carriage shall die, or become bankrupt or insolvent, during the existence of such License, it shall be lawful for his executor, administrator, or assignee or trustee, to keep, use and employ such Stage Carriage, according to the terms of such License, for the space of *Thirty Days* next after the death, bankruptcy or insolvency of the person to whom such License was granted, without being liable for so doing to the penalty by this Act imposed on any person who shall keep, use or employ any such Stage Carriage, without having a License in force so to do: Provided always, That he shall be liable to all other provisions and regulations of this Act, in the same manner as if such executor, administrator, assignee or trustee had duly obtained a License in his own name for the keeping, using and employing of such Stage Carriage.

24.
By whom
Penalties
shall be sued
for before a
Justice of the
Peace.

Costs in cases
of malicious
Prosecutions.

And be it Enacted, That any person or persons who shall be aggrieved by or cognizant of any offences committed by the proprietor or proprietors, driver, coachmen, conductors, guards or other persons against the provisions of this Act, shall be empowered to sue as plaintiffs for the penalties herein and hereby imposed, and on obtaining and conviction, shall be awarded their reasonable costs and expenses in so doing.

25.
Penalties not
exceeding
20*l.* recover-

Provided always, and be it Enacted, That it shall be lawful for any Justice of the Peace having jurisdiction where the offence shall be

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be committed, to hear and determine any offence against this Act which may subject the offender to any pecuniary penalty not exceeding *Twenty Pounds*; and it shall be lawful for any such Justice, and he is hereby required, upon information given or complaint made
5 before him, to summon the party accused, and also the witnesses on either side, to be and appear before the said Justice, or before any other Justice of the Peace, at a time and place to be appointed for that purpose; and either on the appearance of the party accused, or in default thereof, it shall be lawful for such Justice, or any other
10 Justice present at the time and place appointed for such appearance, to proceed to examine into the matter of fact; and upon due proof made thereof, by voluntary confession of the party, or by oath of one or more witness or witnesses, to give judgment for the penalty, and to award and issue out his warrant for the levying of any penalty so
15 adjudged, together with the costs and expenses of such proceedings, and also the costs and expenses of such warrant, and of levying the same on the goods of the offender, and to cause sale to be made of such goods, in case they shall not be redeemed within *Five Days*, rendering to the party the overplus, if any; and where goods of such
20 offender cannot be found sufficient to answer the penalty and all such costs and expenses, it shall be lawful for such Justice and he is hereby required to commit such offender to the common Gaol or House of Correction, there to remain for any time not less than *Three* calendar Months, and not exceeding *Six* calendar Months, if the full penalty imposed by this Act for the offence of which such offender shall have
25 been convicted shall amount to the sum of *Twenty Pounds*, and for any time not less than *One* calendar Month, and not exceeding *Three* calendar Months if such penalty shall not amount to *Twenty Pounds*, unless such penalty and all such costs and expenses shall be sooner paid and satisfied; and if the person convicted shall find himself
30 aggrieved by the judgment of any such Justice, it shall be lawful for such person to appeal against the same to the Justices of the Peace at the General or Quarter Sessions of the Peace for the county or place within which the offence shall be committed, which shall be held next after the expiration of *Ten Days* from the day on which
35 such conviction shall have been made, of which appeal notice in writing shall be given to the prosecutor or informer *Seven* clear Days previous to the First day of such Sessions; and such Justices at such Sessions are hereby authorized to examine witnesses upon oath, and
40 finally to hear and determine such appeal; and in case the judgment of any such Justice shall be affirmed, it shall be lawful for the Justices at such Sessions to award and order the person appealing to pay such costs occasioned by such appeal as to them shall seem meet: Provided always, That no person convicted before any such Justice shall be entitled or permitted to appeal against such conviction in manner aforesaid, unless within *Five Days* after such conviction made

able before a Justice of the Peace.

Mode of proceeding.

Appeal.

Proceedings
not to be
quashed for
want of form,
nor removed.

he shall enter into a recognizance, with Two sufficient sureties, before such Justice to enter and prosecute such appeal, and to pay the amount of the penalty and costs in which he shall have been convicted, and also to pay such further costs as shall be awarded in case such conviction shall be affirmed on the bearing of such appeal: Provided also, That no such proceedings so to be had or taken shall be quashed or vacated for want of form, or shall be removed by certiorari, suspension, advocacy or reduction, or by any other writ or process into any Superior or other Court or Jurisdiction; any law or usage to the contrary notwithstanding.

26.
*Application
of Penalties.*

And be it Enacted, That all pecuniary penalties recovered under this Act shall be applied as follows; (that is to say) one moiety thereof, with full costs, to be handed over to the informer or prosecutor, and the other to be appropriated by the Justices to such local charitable and benevolent institutions or societies as to such Magistrates, or the majority of them, shall seem fit.

27.
*Justices may
mitigate Pen-
alties.*

And be it Enacted, That it shall be lawful for any Justice of the Peace before whom any person shall be convicted of any offence or offences against any of the provisions of this Act to mitigate, as he shall see fit, any penalty by this Act imposed, in cases where such Justice shall see cause so to do: Provided that all reasonable costs and charges expended on or incurred in prosecuting for such offence shall be always allowed over and over the sum to which such penalty shall be mitigated: Provided always, That the Licensee or Licensees of any party convicted of any offence against this Act, and liable to any pecuniary penalty for the same, shall be suspended and of no force till such penalty, or mitigated penalty, is discharged and satisfied.

Licenses sus-
pended till
fines are
paid.

28.
*Justices emp-
owered to
award Costs
to Defendants
whose Infor-
mations or
Complaints
are withdrawn
or dismissed
in certain
cases.*

And be it Enacted, That if any proprietor of any Stage Carriage, or the driver or guard of any Stage Carriage, shall be summoned before any Justice of the Peace to answer any information or complaint exhibited or made against him by any person touching or concerning any offence committed, or alleged to have been committed, by such proprietor, driver or guard respectively against the provisions of this Act, and such information or complaint shall afterwards be withdrawn or quashed or dismissed, or if the defendant shall be acquitted of the offence charged against him, and it shall appear to the Justices before whom such complaint was heard, that the same was frivolous or absurd, or brought with a malicious intent, it shall be lawful for such Justice to order and award that the informer or person exhibiting or making such information or complaint, shall pay to the defendant such costs of making or preparing for his defence, and also such compensation for his loss of time, and for the time of his witnesses (if any) in attending such Justice touching or concerning such information

mation or complaint as to such Justice shall seem reasonable; and in default of immediate payment of the sum so awarded, it shall be lawful for such Justice to cause the same to be levied by distress and sale of the goods and chattels of the person ordered to pay the same, together with the costs of such distress and sale; and if goods and chattels of such person sufficient to answer the sum so awarded, with such costs as aforesaid, cannot be found, it shall be lawful for such Justice to commit such person to the common Gaol or House of Correction for any time not exceeding *One* calendar Month, unless the sum so awarded, together with all costs and expenses, shall be sooner paid and satisfied.

And he it Enacted, That any summons issued by any Justice of the Peace requiring any defendant or any witness or other person to appear before such Justice, or any other Justice, with reference to any information, complaint or other proceeding for the recovery of any duty or penalty under this Act, shall be deemed to be well and sufficiently served, in case either the summons, or a copy thereof, be served personally upon any such person as aforesaid, or he left at his usual or last place of residence, or in case such person be a proprietor, driver, conductor or guard of any Stage Carriage, be left with the book-keeper, or person for the time being acting as book-keeper for such Stage Carriage in any town or place from, into or through which such Carriage shall go or be driven nearest to the place where any such offence shall be committed, and any notice by this Act required to be given to the proprietor of any Stage Carriage, or any other person, shall be deemed to be well and sufficiently served, in case either such notice, or a copy thereof, be served personally upon such proprietor or other person, or he left at his usual or last place of residence, or (in the case of such proprietor) be left with any book-keeper, or person acting as book-keeper, at any office belonging to such proprietor.

And he it Enacted, That if any Constable or other Peace Officer shall refuse or neglect to serve or execute any summons, warrant or order, granted, issued or made by any Justice of the Peace pursuant to any of the provisions of this Act, every such Constable or Peace Officer so offending shall forfeit any sum not exceeding *Five Pounds*, or, in default of payment, shall be committed to the common Gaol or House of Correction for *One* calendar Month, unless such penalty be sooner paid.

And he it Enacted, That if any person who shall be summoned as a witness to give evidence before any Justice of the Peace, or before any Justices at Sessions, touching the matters alleged in or relating to any information, complaint, appeal or other proceeding depending

55.

B 4

before

29.
Service of the
Justice's Summons,
and other Notices.

30.
Penalty on
Constables re-
fusing to serve
a Summons,
Warrant, &c.
164.

31.
Penalty on
Witnesses
neglecting to
attend, 164.

before such Justice or Justices for the recovery of any penalty incurred under this Act, shall neglect or refuse to appear before such Justice or Justices at the time and place to be for that purpose appointed, without a reasonable excuse for such neglect or refusal, to be allowed by such Justice or Justices, or if any person so summoned shall appear, but shall refuse to be examined and give evidence before such Justice or Justices touching the matters aforesaid, every such person so offending shall forfeit *Ten Pounds*.

32.
This Act not
to preclude
Actions for
Damages sus-
tained.

And be it Enacted, That nothing in this Act contained shall be taken or construed to prevent or preclude any person or persons who may have sustained injury or loss by the conduct or neglect of the proprietor or proprietors, or driver or coachman, or guard or other person employed about or having the care of any Stage Carriage, from bringing an action for the recovery of the same in any of Her Majesty's Courts of Record, or shall deprive such person or persons of any remedy now by law established and provided in this behalf.

33.
Informants or
Complainants
not dis-
qualified.

And be it Enacted, That upon the hearing of any information or complaint exhibited or made under any of the provisions of this Act, any person giving or making such information or complaint or other person shall be deemed and is hereby declared to be a competent witness, notwithstanding he may be entitled to any part of the pecuniary penalty on the conviction of any offender upon any such information or complaint as aforesaid.

34.
Limitation of
Actions.

And be it Enacted, That all actions and prosecutions which may be brought or commenced against any person for any thing done in pursuance or under the authority of this Act, shall be commenced within One calendar Month next after the fact committed, and not afterwards, and shall be brought and tried in the county or place where the cause of action shall arise, and not elsewhere.

35.
Proceedings
to be drawn
up according
to the Forms
in Schedule.

And be it Enacted, That every complaint, information, summons, conviction, warrant of distress, or commitment, or other such proceeding which shall be had or taken for the recovery of any penalty under the provisions of this Act, may be drawn or made out according to the several Forms contained in the Schedule herunto annexed, or to the effect thereof, *mutatis mutandis*, as the case shall require; and every such complaint, information, summons, conviction, warrant or other such proceeding which shall be so drawn or made out shall be good and effectual to all intents and purposes whatsoever, without stating the case or the facts of evidence in any more particular manner than is required in and by such forms respectively.

And

36.
Carriages,
Horses, Har-
ness, &c.

And be it Enacted, That all the Carriages, horses and harness, and other articles and things kept, used or employed by any person, whether licensed under the authority of this Act or not, for the purpose of conveying passengers for hire, or for the purpose of being let for hire as aforesaid, shall be subject and liable to and chargeable with all penalties which may be imposed upon or incurred by such person under this Act, and also to and for the costs and expenses of all proceedings which shall or may be had or taken for the recovery of such penalties respectively; and all such Carriages, horses, harness and other articles and things shall, for the purpose of satisfying such penalties, costs and expenses, or any part thereof respectively, be deemed to be the goods and chattels of such person, and shall be distrained or otherwise seized or taken accordingly, in or into whose custody or possession soever the same shall or may be or come, and by or under what right or title soever the same shall or may be held or claimed; and in case any person in or into whose custody or possession any such Carriages, horses, harness, or other articles, shall be or come by or under any means or title whatsoever, shall convert the same to his own use, or shall sell or dispose thereof for the use or benefit of any other person, every person so converting or selling or disposing of such Carriages, horses, harness or other articles, shall be accountable to the extent of the value of such Carriages, horses, harness or other articles, for the amount of the penalties, costs and expenses to or with which such Carriages, horses, harness and other articles shall be subject, liable or chargeable, and the same may be sued for in any Court of Record in Dublin, and recovered under and by virtue of this Act.

Persons selling or disposing of such Carriages, &c. after Notice, to be liable to extent of the value thereof.

And be it Enacted, That in all cases where any goods or chattels distrained, or otherwise seized or taken under any of the provisions of this Act, are directed to be sold, the same shall be sold by public auction, and notice of the time and place of such sale shall be given to the owner of such goods or chattels, or left at his last known place of abode, Three Days at least prior to such sale: Provided always, That if the owner of any such goods or chattels shall give his consent in writing to the sale thereof at an earlier period than is by this Act, or shall be by any such notice, appointed for such sale, or in any other manner than is by this Act directed, it shall be lawful to sell such goods or chattels according to such consent: Provided also, That if the owner of such goods or chattels shall at any time before the sale thereof pay or tender to the person who by any warrant or other process shall be directed or authorized to cause such goods or chattels to be sold, the sum which he shall by such warrant or process be directed to levy or raise by the sale of such goods or chattels, together with all reasonable costs and expenses incurred, no sale of such goods or chattels shall be made.

37.
In what manner Goods distrained under this Act shall be sold.

38.
*Some Statutes
 not to extend
 to certain
 Mail Coaches.*

Provided always, and be it Enacted, That none of the regulations in this Act contained relating to any of the particulars to be pointed upon any Stage Carriage, or relating to the placing of outside passengers, or the luggage to be carried on the roof of any Stage Carriage, shall extend to any Mail Coach employed in the service of the General Post Office, built or constructed according to the regulations of the Postmaster General, and carrying not more than Four outside passengers.

39.
*Interpretation
 Clause.*

AND in order to avoid the frequent use of divers terms and expressions in this Act, and to prevent any misconstruction of the terms and expressions used therein; BE it Enacted, That wherever in this Act, with reference to any person, matter or thing, any word or words is or are used importing the singular number, or the masculine gender only, yet such word or words shall be understood to include several persons as well as one person, females as well as males, bodies politic or corporate as well as individuals, and several matters or things as well as one matter or thing, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and that wherever the terms and expressions following occur in this Act, they shall be construed respectively in the manner hereinafter directed; (that is to say) that the term and expression "Officer of Stamp Duties" shall be construed to mean any officer deputed or appointed by the Commissioners of Stamps, whatever may be his particular office or employment; that the term "Proprietor," used with reference to any Stage Carriage, shall be construed to mean and include any and every person who shall keep, use or employ such Stage Carriage, or who shall be concerned in the keeping, using or employing thereof; that the term "Horse," or "Horses," shall respectively be construed to mean and include any male, mare or gelding, or mares or geldings, as well as any horse or horses; that the term "Toll-gate" shall be construed to mean any gate or bar at which any toll is payable or any ticket is receivable for any horse or carriage; that the term "Toll-gate Keeper" shall be construed to mean and include the keeper of any such gate or bar as aforesaid, or the collector of tolls thereat, or any person acting as such keeper or collector respectively; that the term "Driver," used with reference to any Stage Carriage, shall be construed to mean the coachman, driver or director thereof; and that the term "Luggage" shall be construed to mean any trunk, box, bale, parcel, package, corn or other article, whether such trunk, box, bale, parcel, package, corn or other article shall or shall not belong to any passenger conveyed by any such Stage Carriage.

40.
*Act may be
 altered this
 Session.*

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULE.

